



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

BYRON ROGERS FEDERAL OFFICE BUILDING
1961 STOUT STREET, SUITE 1700
DENVER, CO 80294-1961

June 13, 2022

Via ECF

The Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Re: SEC v. Moshe Strugano, et al., 1:22-cv-03216-RA
Motion to Adjourn Initial Status Conference

Dear Judge Abrams:

We write on behalf of the SEC pursuant to the Court's Order and Notice of Initial Conference dated May 10, 2022 (Doc. # 11, "Order") and Section 1.D of the Court's Individual Practices to request adjournment of the initial status conference and related deadlines set forth in the Order.

As background, the SEC filed this action on April 20, 2022, alleging that Defendant Moshe Strugano and his friend Defendant Rinat Gazit engaged in insider trading involving shares of a company based in the United States and traded on the New York Stock Exchange. Doc. # 3 ¶¶ 1-6, 13. The SEC alleges that Strugano made illegal profits of more than \$1.2 million. Doc. # 3 ¶ 45. Strugano is an attorney and resident of Israel, *id.* ¶ 11, and Gazit works in the mergers and acquisitions business and is a resident of Israel, *id.* ¶ 12.

In a parallel case, Strugano was criminally charged with conspiracy to commit securities fraud and securities fraud based on substantially the same conduct alleged in this case. *United States v. Moshe Strugano*, 22-cr-00226-PGG (S.D.N.Y.).

Shortly after the SEC filed the Complaint, the SEC contacted United States counsel for each Defendant about service of the Complaint and Summons. Counsel for each Defendant stated that their clients did not authorize them to accept or waive service. Since that time, the SEC has been working to effect service through international channels permitted by Fed. R. Civ. P. 4(f), which provides for service on individuals in a foreign country. At this time, the SEC cannot provide an exact timeframe as to when the SEC will be able to complete service under

Rule 4(f). The SEC's Office of International Affairs has advised that, as a general matter, service on an individual in Israel can take 4-6 months to accomplish.

As to the direction in the Order that the SEC serve Defendants with a copy of the Order, the SEC has provided counsel for each Defendant with a copy of the Order. However, for reasons similar to those above, the SEC has been unable to effect formal service of the Order on Defendants. Counsel for Defendants indicated that Defendants declined to participate in crafting a proposed case management plan under the current procedural posture.

Pursuant to Section 1.D of the Courts Individual Practices: (1) the date of the initial status conference is June 24, 2022, and the deadline to submit a proposed case management plan is June 17 (Order at 2); (2) this is the first request for adjournment of the initial status conference; and (3) Defendants have not been served or otherwise entered an appearance in this case and for that reason will not oppose this request.

Given the above, the SEC requests an adjournment of the initial status conference and related deadlines set forth in the Order until a date after the SEC completes service under Rule 4(f). If helpful to the Court, the SEC is prepared to file periodic status reports on its efforts to complete service.

Sincerely,

s/ Terry R. Miller

Terry R. Miller (*pro hac vice*)

Joseph G. Sansone

Ann Marie Preissler

Frank D. Goldman

Counsel for Plaintiff, United States

Securities and Exchange Commission

Application granted.

The SEC shall file a letter updating the Court on the status of service on or before July 18, 2022.

SO ORDERED.



Hon. Ronnie Abrams

06/16/2022